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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,652	07/19/2001	Raymond Yinggang Xie	P-87/SYCS-036	3537
959	7590	09/09/2004	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			NGUYEN, QUYNH H	
			ART UNIT	PAPER NUMBER
			2642	
DATE MAILED: 09/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,652

Applicant(s)

XIE, RAYMOND YINGGANG

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

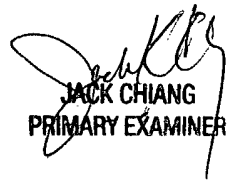
- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/19/01.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.


JACK CHIANG
PRIMARY EXAMINER

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azuma et al. (U.S. Patent 6,430,150).

Regarding claim 1, Azuma et al. teach the method in a telecommunication network wherein a failure occurs service is switched to the alternative paths (Abstract), the method including the steps of: determining whether a first connection can be established between the first node and the second node (Fig. 5A, between nodes 5 and 6); if the first connection cannot be established (failure), determining whether a second connection (a path connecting nodes 6, 2, 3, and 5) can be established between the first node (node 5) and a third node located after the second node (node 2) (Fig. 5A and col. 7, lines 20-32). Azuma et al. further teach when a secondary failure occurs, the plurality of alarm messages received successively by a node have different contents (col. 5, lines 45-54).

However, Azuma et al. do not detailing suggest if the first and second and third connections cannot be established, determining whether a fourth connection can be

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established between the fourth node located before the first node along the first connection path and the third node, and so on.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that Azuma's system is a high-speed restoration system such that alternate path adapted quickly for restoring failures, and it would be easily expanded for establishing connections on k nodes.

Claim 2 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Azuma et al. teach the third node is immediately after the first node (node 2 is after node 5) (Fig. 5A and col. 7, lines 20-32).

Regarding claims 3, 5, 7, 9, and 11, Azuma et al. teach attempting to determine non-retracing connections. For example, a path connecting nodes 6, 2, 3, and 5 (Fig. 5A and col. 7, lines 20-32).

Regarding claims 4 and 10, Azuma et al. teach establishing a second connection path including the first connection path (col. 7, line 20-25). However, Azuma et al. do not specifically suggest establishing a second connection path including one of the group of the first connection, the second connection, the third connection and the fourth connection; propagating path information corresponding to the second connection path for a plurality of nodes in the network related to the second connection path. Again, this would have been obviously rejected for the same reasons as discussed above with respect to claim 1.

Claim 6 is rejected for the same reasons as discussed above with respect to claim 1.

Claim 8 is rejected for the same reasons as discussed above with respect to claim 6. Furthermore, Azuma et al. do not explicitly teach if the first connection can be established, restoring the connection C by establishing a connection between the node N_k and N_{k+1} . Obviously, if the first connection can be established from restoring, then establishing a connection between the nodes that are involved previously.

Regarding claims 12-15 and 17-20, Azuma et al. teach a processor, a memory in communication with the processor, a network interface in communication with the processor (Fig. 9 and col. 10, line 54 through col. 11, line3).

Regarding claims 16 and 21, Azuma et al. the apparatus is provided at each node of the network (Fig. 1A-2A 4A-5B).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ash et al. (U.S. Patent 4,669,113) teach integrated network controller for a dynamic nonhierarchical routing switching network.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

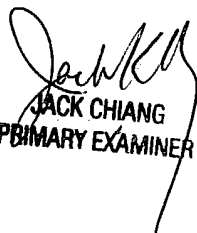
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen
September 7, 2004


JACK CHIANG
PRIMARY EXAMINER